

FAQ for HB 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

What prompted the filing of House Bill 6?

The Anchorage Daily News reported last spring that a child sex offender in Klawock allegedly taped the muzzle of a dog, tied it to a tree, and sexually assaulted it. Alaskans were shocked to learn there was no Alaska law prohibiting sex with animals. Ketchikan District Attorney James Scott was quoted in the news account as saying the state’s “very real concern” was that, if a small child had been available and unattended at the time and place where this dog was taken, “that the small child would have been found taped (and) tied in the woods.”

Is this really a problem in Alaska and the United States?

Chava Lee, the Executive Director of Gastineau Humane Society in Juneau, receives at least a handful of reports of humans having sex with animals every year. As the agency that enforces Alaska’s animal cruelty law locally, Lee must tell complainants that, unless the animal is severely injured or killed, the mistreatment is *not* a crime. The population of Juneau is only about 30,000. Extrapolate the number of human-animal sex reports in Juneau across Alaska, where the population is more than 650,000, and there may be at least 100 incidents a year. If this mistreatment of animals was recognized as a crime, there would likely be even more reports in Alaska.

Nationally, examples of sexual molestation of animals connected to sexual crimes against humans can be found in news accounts across the country. An Animal Abuse Database found under the internet site, Pet-Abuse.Com, turns up an alarming number of horrific cases of sexual abuse and violence against humans co-occurring with acts of bestiality.

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The evidence of humans engaging in sex with animals is overwhelming. Almost any internet search engine will lead you to page after page of very graphic and disturbing material describing and promoting human sexual abuse of animals. Detailed how-to-do-it guides for the sexual abuse of animals involving a variety of species can be found on the internet, along with information on laws, animal-transmitted diseases, personal advertisements, and “pro-zoophile” resources.

What exactly is animal sexual abuse?

Often referred to as “bestiality” or “zoophilia,” animal sexual abuse is the sexual molestation of an animal by a human. This kind of animal abuse includes a wide range of behaviors such as vaginal, anal, or oral penetration; fondling; oral-genital contact; penetration using an object; and killing or injuring an animal for sexual gratification. Animal sexual abuse may or may not include physical violence other than sexual violation; and may or may not result in physical injury to the animal. Animal sexual abuse, like rape, is the eroticization of violence, control and exploitation.

Is it really animal abuse if there is no physical injury?

Yes. Many animals are physically restrained during the abuse. Not all cases of animal sexual abuse will involve physical injury to the animal, but all sexual molestation of an animal by a human should be considered abuse.

In his 1993 article, Dr. Frank Ascione, Professor of Sociology at Utah State University, stated “bestiality may be considered cruel even in cases when physical harm to an animal does not occur (this is similar to the case of adult sexual activity with a child where consent is presumed to be impossible).”

In a 1997 article, Piers Beirne, Professor of Criminology at the University of Southern Maine, points out, “for genuine consent to sexual relations to be present ... both participants must be conscious, fully informed and positive in their desires. Bestiality is by nature sexual coercion because animals are incapable of genuinely saying “yes” or “no” to humans in forms we can readily understand.”

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In human-animal relationships, the human has power and control over the animal, often in all aspects of the animal's care and well-being. Thus, a sexual "relationship" between human and animal cannot be considered consensual.

Is all this attention on animal abuse an intrusion on an individual's private sexual choices?

No. Unlike sexual interactions between consenting adult humans, animal sexual abuse is not simply about an individual's private sexual choice. As in the case of child sexual abuse and adult rape, animal sexual abuse is an activity in which one party has no choice and cannot consent or refuse. When he/she initiates a sexual activity in which the other partner has no choices and must participate, the sexual abuser leaves the realm of private action.

Is there a connection between animal sexual abuse and domestic violence, child abuse and other violent crimes?

Yes. The sexual abuse of animals is often linked to the sexual abuse of women and children (Kowal, 1998). According to Lenore Walker's (1984) interviews with battered women, bestiality was mentioned as one of the "unusual sex acts" desired by their partners. Child sexual abusers may also sexually abuse animals to enhance, expand or extend the abuse of the genuinely powerless and unsuspecting victim (Adams, 1994).

Research also indicates a connection between animal sexual abuse and other types of violent crimes. According to a 1986 study, 40 percent of the perpetrators of sexually motivated homicides, who had been sexually abused as children, also reported they have sexually abused animals (Ressler, et al. 1986).

Our interviews with Alaska officials who work in the areas of animal cruelty, law enforcement, corrections, domestic violence and sexual assault, confirm the compelling body of research that shows a connection between animal sexual abuse and human sexual abuse and violence.

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Can animal sexual abuse be prosecuted under the existing Alaska animal cruelty law?

Only if the person knowingly inflicts severe and prolonged physical pain or suffering on an animal, or knowingly injures or kills an animal to intimidate, threaten, or terrorize another person.

Are there other Alaska laws that could be used to prosecute animal sexual abuse?

Only if the sexual abuse of an animal also involves a crime against a person (Unlawful Exploitation of a Minor), or involves the damage or loss of property (Criminal Mischief).

Is animal sexual abuse illegal in most states?

Yes. At least 32 states outlaw acts of bestiality, with several classifying bestiality as a felony, according to a Sept. 1, 2008 report by Alaska Legislative Research Services. Recent news reports indicate other states are also looking at criminalizing sexual abuse of animals.

In many of the states that currently outlaw animal molestation, the language of their sexual abuse laws is almost identical to the wording in HB 6.

Why must the wording of this bill be so graphic?

Language must be precise so everyone understands exactly what constitutes the “sexual conduct” part of the crime being proposed under this bill. Although such language may be embarrassing and uncomfortable to read, words must be clear and concise when specifying a criminal offense.

What would be the penalty in Alaska under this bill?

Like most of the other offenses listed under the existing Cruelty to Animals statute, the crime of “sexual conduct” with an animal would be a Class A misdemeanor. Cruelty to Animals is a class C felony if the person is convicted three times under the statute within 10 years.

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Will there be exemptions for accepted professional practices involving “sexual conduct” with animals?

Absolutely. The same defense to a prosecution under the current Cruelty to Animals law would apply to the offense proposed in HB 6. Such defensible conduct includes legitimate scientific research governed by accepted standards, the humane destruction of an animal, accepted veterinary and animal husbandry practices, and other behaviors listed under AS 11.61.140 (c).

(This FAQ was compiled by the office of Rep. Bob Lynn based on studies, research and interviews involving Alaska Legal Services, Alaska Legislative Research Services, Alaska departments of Corrections, Law, Public Health, Public Safety and Environmental Conservation, municipal police departments and law enforcement agencies involved in animal cruelty and domestic violence/sexual assaults, Alaska Farm Bureau, Gastineau Humane Society veterinary clinic in Juneau, Pet-Abuse.Com, Humane Society of the United States, American Humane, and various news accounts in Alaska and around the country, and other sources.)